



Natural Resources Conservation Service  
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“Transmitted via Email”

February 18, 2005

MINNESOTA BULLETIN NO. 120-5-12

SUBJECT: ADS – FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA)

Purpose. To remind NRCS employees and conservation partners of their responsibilities with regards to information contained in cooperator files and the FOIA/PA.

Expiration date. September 30, 2006.

The Freedom of Information Act (FOIA) provides access to records maintained by the government, unless the records are protected from disclosure by any of 9 exemptions. The Privacy Act (PA) protects individuals against unwarranted invasions of their privacy stemming from the collection, maintenance, use, and disclosure of personal information about them by Federal agencies.

While neither law grants an absolute right to examine Government documents, the FOIA establishes the right to request records and receive a response to the request. Under the PA unauthorized release of information can result in a fine up to \$10,000 and one year in prison. This pertains to NRCS employees, cooperating partners, consultants, and contractors who have access to NRCS records. Therefore, any information obtained from a cooperator's file by an NRCS employee, cooperating partner, consultant or contractor should NOT be released, published, or used to solicit the cooperator for the purpose of selling products or services. Examples of information that should NOT be released or published are:

- Names of all program applicants.
- Personal information of all program applicants. (Example: addresses, phone numbers, and social security numbers).
- Approved contract amounts.
- Conservation plans.

Employees and cooperating partners are not to respond to FOIA requests unless the FOIA Officer specifically instructs them to do so. All requests for information received by NRCS employees and/or cooperating partners for information from shared NRCS cooperator files should be forwarded immediately to the FOIA Officer, as we have 20 working days in which to respond to each request. Requests are to be in writing and can be sent by mail, fax or email.

The information in this bulletin should be reviewed and understood by all employee's and cooperating partners. Further questions can be referred to the state office FOIA Officers, Tessa Garcia, 651-602-7872 or Pat McLoughlin, 651-602-7907.

WILLIAM HUNT  
State Conservationist

DIST: MN-AE  
SWCD Employee's